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EXAMINER
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ELCENKO, ERIC J

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/737,212	<b>Applicant(s)</b> LEE, DONG KEUN	
	<b>Examiner</b> Eric Elcenko	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14-21 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,14-21 and 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 18 July 2006 have been fully considered but they are not persuasive. Applicant states that Khare and Skog, taken alone or in combination do not teach the of checking reject data and taking further action based on the data status and terminal location. Skog, however, discloses receiving the subscriber data from the MSC. When the MS moves from a zone to another it sends a update location operation 205 to the MSC/VLR. If the MS was rejected prior, the new information may move the mobile to its home zone triggering the flags and the new information, which has come from the MS has started the action of allowing the service. Therefore, it can be seen that the information provided from the MS was evaluated and further action taken based upon this information. It is obvious to understand that information in a system is required from both sides for the most accurate results, which is taught in Skog by the sending of location information and subscriber information between the MS and the MSC/VLR.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-19, 21, 22, 24-29, and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (Khare), **U.S. Publication (2002/0065067)**, in view of, Skog, **US Patent 6,427,076**.

Regarding claim 1, Khare discloses a data communication method for providing voice and data service to a mobile communication device, the method comprising:

receiving a request for data service from the mobile communication device (reads on wireless device originates call requesting electronic data transmission services to base station) (**paragraph [0035]**);

determining whether the mobile communication device is registered (reads on when a wireless device powers-up and when wireless device detects a change the system identification/network identification (this means that the system must be registered in order for a change to be detected and monitored)) (**paragraph [0046]**) to a home network (the wireless device enters a SID/NID area, it examines a roaming list to determine if data service is available, (checking a roaming list means that there is a home area or network)) (**paragraph [0069]**) ;

determining whether reject data is stored in the mobile communication device (the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed (using short term memory) on the wireless device) (**paragraph [0031] and [0032]**); and

determining whether the mobile communication device is registered to a first mobile service center (MSC) (it is inherent that the device is connected to a MSC

because when a change in the SID/NID connection is detected it usually indicates a change in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (**paragraph [0046]**).

providing data service to the mobile communication device (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (**paragraph [0037]**), if reject data is not stored in the mobile communication device (reads on potential for data service connectivity is display to the user using one of the symbols/icons) (**pg. 3 paragraph [0031] [0032] paragraph [0039]**)

providing data service to the mobile communication device (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (**paragraph [0037]**), when the reject data is stored in the mobile communication device (reads on the potential for data service connectivity is displayed to the user using one of the symbols and icons shown, mobile device is allowed to retry however, if access is not executed then there are no further interactions with base station regarding data service) (**paragraph [0039] and [0045]**) and the mobile communication device is registered to the first MSC (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected it usually indicates a change (detecting a change means that the equipment was initially registered) in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (**paragraph [0046]**).

Khare fails to disclose when the reject data is stored in the mobile communication device in a pending status.

In a similar field of endeavor, Skog discloses when the reject data is stored in the mobile communication device in a pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include when the reject data is stored in the mobile communication device in a pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 4, the combination discloses the method of claim 1. Khare further discloses further comprising:

transmitting the reject data to the mobile communication device, when the mobile communication device is not registered to the home network (base station responds with a release order specifying that a requested service is not supported, also the wireless device automatically and dynamically determines whether communication system in which the wireless device is operating offers data service that employs the SID/NID list (i.e. a roaming list)) (paragraph [0070], [0071] and [0041]).

Regarding claim 5, the combination discloses the method of claim 1. Khare further discloses further comprising:

transmitting the reject data to the mobile communication device, whether the mobile communication device is not registered (base station responds with a release

order specifying that a requested service is not supported, also the wireless device automatically and dynamically determines whether communication system in which the wireless device is operating offers data service that employs the SID/NID list (i.e. a roaming list)) (paragraph [0070], [0071] and [0041]) to the first MSC (it is inherent to use a MSC because the wireless device communicates with a Base station, which in turn communicates with an MSC) .

Regarding claim 6, the combination discloses the method of claim 4. Skog further discloses further comprising:

setting the reject data to pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-67).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include setting the reject data to pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 7, the combination discloses the method of claim 6. Khare further discloses further comprising:

storing the reject data in a memory of the mobile communication device (the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) (paragraph [0031] and [0032]).

Regarding claim 8, the combination discloses the method of claim 5. Skog further discloses to disclose further comprising:

setting the reject data to pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (**col. 6 lines 1-25, col. 5 lines 25-67**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include setting the reject data to pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 9, the combination discloses the method of claim 8. Khare further discloses further comprising:

storing the reject data in a memory of the mobile communication device (the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) (**paragraph [0031] and [0032]**).

Regarding claim 11, Khare discloses a data communication method for providing voice and data service to a mobile communication device, the method comprising:

transmitting a request for data service to a base station (reads on wireless device originates call requesting electronic data transmission services to base station) (**paragraph [0035]**) in a first MSC (it is inherent to use a MSC because the wireless device communicates with a Base station, which in turn communicates with an MSC;



wherein the BS determines: whether the mobile communication device submitting the request is registered (reads on when a wireless device powers-up and when wireless device detects a change the system identification/network identification (this means that the system must be registered in order for a change to be detected and monitored)) (**paragraph [0046]**) to a home network (the wireless device enters a SID/NID area, it examines a roaming list to determine if data service is available, (checking a roaming list means that there is a home area or network)) (**paragraph [0069]**) when reject data is stored in the mobile communication device (reads on an indicator showing that data connectivity is not available will be displayed to the user) (**paragraph [0044]**), and when the mobile communication device is registered to the first MSC (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected it usually indicates a change in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (**paragraph [0046]**).

receiving access to data service (the base station responds to indicate that electronic data transmission service are available) (**paragraph [0037]**), when the reject data is not stored in the mobile communication device (reads on the potential for data service connectivity is displayed to the user using one of the symbols and icons shown) (**paragraph [0039]**)

receiving access to data service (the base station responds to indicate that electronic data transmission service are available) (**paragraph [0037]**), when the reject data is stored in the mobile communication device (reads on the potential for data

service connectivity is displayed to the user using one of the symbols and icons shown) **(paragraph [0039])** and the mobile communication device is registered to the first MSC (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected (detecting a change means that the equipment was initially registered) it usually indicates a change in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) **(paragraph [0046])**.

Khare fails to disclose when the reject data is stored in the mobile communication device, in a pending status.

In a similar field of endeavor, Skog discloses when the reject data is stored in the mobile communication device in a pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) **(col. 6 lines 1-25, col. 5 lines 25-67)**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include when the reject data is stored in the mobile communication device in a pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 14, Khare discloses the method of claim 11, further comprising: receiving the reject data from the BS, when the mobile communication device is not registered to the home network (base station responds with a release order that specifies that a requested option is not supported (meaning not registered) , the exact service requested by wireless device depends on the system) **(paragraph [0041])**.

Regarding claim 15, Khare the method of claim 11, further comprising:

receiving the reject data from the BS, when the mobile communication device is not registered (base station responds with a release order that specifies that a requested option is not supported, the exact service requested by wireless device depends on the system) (**paragraph [0041]**) to the first MSC MSC (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected it usually indicates a change in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (**paragraph [0046]**).

Regarding claim 16, the combination discloses the method of claim 5. Skog further discloses to disclose further comprising:

setting the reject data to pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (**col. 6 lines 1-25, col. 5 lines 25-67**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include setting the reject data to pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 17, he combination discloses the method of claim 8. Khare further discloses further comprising:

storing the reject data in a memory of the mobile communication device (the memory of the wireless device stores information (short or long term), when data is

available or not available it is displayed on the wireless device) (**paragraph [0031] and [0032]**).

Regarding claim 18, the combination discloses the method of claim 5. Skog further discloses to disclose further comprising:

setting the reject data to pending status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-67).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include setting the reject data to pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 19, the combination discloses the method of claim 8. Khare further discloses further comprising:

storing the reject data in a memory of the mobile communication device (the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) (**paragraph [0031] and [0032]**).

Regarding claim 21, Khare discloses a method for operating a data communication service in a mobile communication system, the method comprising: transmitting a reject data for rejecting data communication service to a user equipment (base station responds with a release order specifying that a requested service is not supported) (**paragraph [0041]**) when the user equipment registered in a first mobile

switching center (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected it usually indicates a change (meaning that the equipment was initially registered) in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (**paragraph [0046]**) requests the data communication service (reads on wireless device originates call requesting electronic data transmission services to base station) (**paragraph [0035]**).

Khare fails to disclose when the user equipment registered in a first mobile switching center requests the data communication service in a roaming area of a second mobile switching center; and setting the reject data to a pending status.

In a similar field of endeavor, Skog discloses disclose when the user equipment registered in a first mobile switching center requests the data communication service in a roaming area of a second mobile switching center (when the MS has moved completely within the LA (location area) of the MSC/VLR 125 a operation is sent the MSC/VLR 125 send a map update operation to the HLR, which responds by sending a MAP ISD operation to the new MSC/VLR 290); and

setting the reject data to a pending status in the user equipment (the MS may be updated with changes to the SDR as necessary, if the flag is set in HLR send the corresponding flag for that data to the MS (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (col. 6 lines 1-50, col. 5 lines 25-67).

At the time of invention it would have been obvious to one of ordinary skill in the

art to further modify Khare to include when the user equipment registered in a first mobile switching center requests the data communication service in a roaming area of a second mobile switching center; and setting the reject data to a pending status.

Motivation for this modification would have been to determine if data service is available.

Regarding claim 22, Khare discloses the method of claim 21 further comprising: providing the data communication service (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (**paragraph [0037]**), when the user equipment requests the data communication service (reads on wireless device originates call requesting electronic data transmission services to base station) (**paragraph [0035]**) in a home area of the first mobile switching center network (the wireless device enters a SID/NID area, it examines a roaming list to determine if data service is available, (checking a roaming list means that there is a home area or network)) (**paragraph [0069]**).

Khare fails to disclose providing the data communication service on the basis of the reject data set in the pending status.

In a similar field of endeavor, Skog discloses setting the reject data to pending status (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (**col. 6 lines 1-50, col. 5 lines 25-67**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include setting the reject data to pending status.

Motivation for this modification would have been to determine if data service is available.

Regarding claim 24, the combination discloses the method of claim 22. Khare further discloses wherein providing the data communication service comprises:

deciding whether the user equipment has been registered in the first mobile switching center, when the user equipment moves to the home area of the first mobile switching center (reads on when a wireless device powers-up and when wireless device detects a change the system identification/network identification (this implies that the system must be registered in order for a change to be detected and monitored)) (paragraph [0046]); and

providing the data communication service to the user equipment (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (paragraph [0037]), when the user equipment has been registered in the first mobile switching center (it is inherent that the device is connected to a MSC because when a change in the SID/NID connection is detected it usually indicates a change (meaning that the equipment was initially registered) in the inter-working function with is responsible for communicating the base station (which communicates with a MSC) with the data services) (paragraph [0046]).

Regarding claim 25, the combination discloses the method of claim 24. Khare further discloses further comprising:

rejecting the data communication service, when the user equipment is located in the home area of the first mobile switching center and has not been registered in the

first mobile switching center (base station responds with a release order specifying that a requested service is not supported (meaning not registered), the request for the service originated from the wireless device to the base station) (**paragraph [0040] and [0041]**).

Regarding claim 26, the combination discloses the method of claim 22. Khare further discloses further comprising:

providing the data communication service to the user equipment (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (**paragraph [0037]**). Skog further discloses when the reject data has not been set in the user equipment (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (**col. 6 lines 1-50, col. 5 lines 25-67**).

Regarding claim 27, the combination discloses the method of claim 22. Khare further discloses wherein the reject data is stored in a memory of the user equipment the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) (**paragraph [0031] and [0032]**).

Skog discloses the reject data being stored as a pending signal (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (**col. 6 lines 1-50, col. 5 lines 25-67**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include the reject data being stored as a pending signal.



Motivation for this modification would have been to determine if data service is available.

Regarding claim 28, Khare discloses a method for operating a data communication service in a global system for mobile communication, the method comprising:

deciding whether a user equipment requests the data communication service in real time (reads on the process begins when the wireless device sends a data query to the base station) (**paragraph [0035]**);

deciding whether the user equipment requests the data communication service (a wireless device originates a call requesting electronic data service to a base station) (**paragraph [0035]**) in a home area (the wireless device enters a SID/NID area, it examines a roaming list to determine if data service is available, (checking a roaming list means that there is a home area or network)) (**paragraph [0069]**) of a first mobile switching center where the user equipment has been registered when a change in the SID/NID connection is detected it usually indicates a change (meaning that the equipment was initially registered) in the inter-working function with is responsible for communicating the base station with the data services) (**paragraph [0046]**);

when the user equipment requests the data communication service in the home area (a wireless device originates a call requesting electronic data service to a base station) (**paragraph [0035]**); and

providing the data communication service to the user equipment (the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (paragraph [0037]).

Khare fails to disclose deciding whether a reject data has been set in the user equipment in a pending status, and when the reject data has not been set in the user equipment.

In a similar field of endeavor, Skog discloses deciding whether a reject data has been set in the user equipment in a pending status (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (col. 6 lines 1-50, col. 5 lines 25-67).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include whether a reject data has been set in the user equipment in a pending status, and when the reject data has not been set in the user equipment. Motivation for this modification would have been to determine if data service is available.

Regarding claim 29, the combination discloses the method of claim 28. Khare further discloses further comprising:

deciding whether the user equipment has been registered in the first mobile switching center (reads on when a wireless device powers-up and when wireless device detects a change the system identification/network identification (this implies that the system must be registered in order for a change to be detected and monitored)) (paragraph [0046]),

providing the data communication service to the user equipment the base station responds with a traffic channel assignment message indicating electronic data transmission services are accessible) (**paragraph [0037]**), when the user equipment has been registered in the first mobile switching center (when a change in the SID/NID connection is detected it usually indicates a change (meaning that the equipment was initially registered) in the inter-working function with is responsible for communicating the base station with the data services) (**paragraph [0046]**);

rejecting the data communication service, when the user equipment has not been registered in the first mobile switching center (base station responds with a release order specifying that a requested service is not supported (meaning not registered)) (**paragraph [0041]**);

transmitting a reject data for rejecting the data communication service to the user equipment (base station responds with a release order specifying that a requested service is no supported) (**paragraph [0041]**) and storing the setting information in a memory of the user equipment the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) (**paragraph [0031] and [0032]**).

Skog further discloses when the reject data has been set in the user equipment in the pending status (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (**col. 6 lines 1-50, col. 5 lines 25-67**); when the user equipment registered in the first mobile switching center requests the data communication service in a roaming area of a second mobile

switching center (when the MS has moved completely within the LA (location area) of the MSC/VLR 125 a operation is sent the MSC/VLR 125 send a map update operation to the HLR, which responds by sending a MAP ISD operation to the new MSC/VLR 290) (col. 5 lines 45-67);

setting the reject data in the pending status (the reject data that is sent in the equipment is the data that is sent from the MSC/VLR 125 which updates the subscriber data in the MS)) (col. 6 lines 1-50, col. 5 lines 25-67).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include when the reject data has been set in the user equipment in the pending status; when the user equipment registered in the first mobile switching center requests the data communication service in a roaming area of a second mobile switching center; setting the reject data in the pending status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 31, Chare discloses A data communication method for providing voice and data service to a mobile communication device, the method comprising:

transmitting a request for data service from the mobile communication device to a first area (reads on wireless device originates call requesting electronic data transmission services to base station) (paragraph [0035]),

determining whether the mobile communication device is registered to the first area (reads on when a wireless device powers-up and when wireless device detects a

change the system identification/network identification (this means that the system must be registered in order for a change to be detected and monitored)) (**paragraph [0046]**) ;

receiving a reject signal when the data service is not available in the first area (when access to the service is available the display has a letter I with an oval around, when the access is unavailable there is a broken letter I with a rectangle around it (base station responds with a release order specifying that a requested service is not supported, also the wireless device automatically and dynamically determines whether communication system in which the wireless device is operating offers data service that employs the SID/NID list (i.e. a roaming list)) (**paragraph [0070], [0071] and [0041], pg. 3 paragraphs [0031] [0032]**);

storing the reject data It is obvious to one of ordinary skill in the art that in order for the display to change according to the access availability that a computer program of some type must be stored and the data according to whether service is available or unavailable must also be stored (**pg. 3 paragraphs [0031]-[0032]**);

receiving data when the reject data is stored and the mobile communication device is registered to the first area (the base station responds to indicate that electronic data transmission service are available (reads on the potential for data service connectivity is displayed to the user using one of the symbols and icons shown) (**paragraph [0039] paragraph [0037]**); and

receiving data when the reject data is not stored and the mobile communication device is registered to the first area (the base station responds to indicate that electronic data transmission service are available (reads on the potential for data service

connectivity is displayed to the user using one of the symbols and icons shown)

**(paragraph [0039] paragraph [0037]);**

Khare fails to disclose setting a reject data as pending according to the reject signal.

In a similar field of endeavor, Skog discloses setting a reject data as pending according to the reject signal (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) **(col. 6 lines 1-25, col. 5 lines 25-30).**

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Khare to include setting a reject data as pending according to the reject signal. Motivation for this modification would have been to determine if data service is available.

Regarding claim 32, the combination discloses the method of claim 32. Khare further discloses further comprising receiving the reject signal when the mobile communication device is not registered in to the first area (base station responds with a release order specifying that a requested service is not supported (meaning not registered)) **(paragraph [0041]).**

Regarding claim 33, the combination discloses the method of claim 32. Khare further discloses wherein the reject data is stored in a memory of the mobile communication device the memory of the wireless device stores information (short or long term), when data is available or not available it is displayed on the wireless device) **(paragraph [0031] and [0032]).**

Regarding claim 34, the combination discloses the method of claim 31. Skog further discloses wherein pending status includes not fixed status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein pending status includes not fixed status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 35, the combination discloses the method of claim 1. Skog further discloses wherein pending status includes not fixed status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein pending status includes not fixed status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 36, the combination discloses the method of claim 11. Skog further discloses wherein pending status includes not fixed status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein pending status includes not fixed status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 37, the combination discloses the method of claim 21. Skog further discloses wherein pending status includes not fixed status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein pending status includes not fixed status. Motivation for this modification would have been to determine if data service is available.

Regarding claim 38, the combination discloses the method of claim 28. Skog further discloses wherein pending status includes not fixed status (the MS may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS) (col. 6 lines 1-25, col. 5 lines 25-30).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein pending status includes not fixed status. Motivation for this modification would have been to determine if data service is available.



4. Claim 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (Khare), **U.S. Publication (2002/0065067)**, in view of, Skog, **US Patent 6,427,076**, in further view of Bright et al. (Bright) (**U.S. Patent 6,912,389**).

Regarding claim 10, the combination discloses the method of claim 1 but fails to disclose wherein the data service comprises general packet radio service (GPRS).

In a similar field of endeavor, Bright discloses wherein the data service comprises general packet radio service (GPRS) (reads on a GSM and GPRS serving system is connected to a domestic wireless home system) (**col. 7 line40-42**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein the data service comprises general packet radio service (GPRS). Motivation for this modification would have been to give the mobile communication device an option to use a packet-based data service.

Regarding claim 20, the combination discloses the method of claim 11 but fails to disclose wherein the data service comprises general packet radio service (GPRS).

In a similar field of endeavor, Bright discloses wherein the data service comprises general packet radio service (GPRS) (reads on a GSM and GPRS serving system is connected to a domestic wireless home system) (**col. 7 line40-42**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein the data service comprises general packet radio service (GPRS). Motivation for this modification would have been to give the mobile communication device an option to use a packet-based data service.

5. Claim 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (Khare), **U.S. Publication (2002/0065067)**, in view of, Skog, **US Patent 6,427,076**, in further view of Bright et al. (Bright) (**U.S. Patent 6,912,389**).

Regarding claim 23, the combination discloses the method of claim 22, but fail to disclose wherein the data communication service is a general packet radio service provided by the mobile communication system.

In a similar field of endeavor, Bright discloses wherein the data communication service is a general packet radio service provided by the mobile communication system (reads on a GSM and GPRS serving system is connected to a domestic wireless home system) (**col. 7 line40-42**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein the data service comprises general packet radio service. Motivation for this modification would have been to give the mobile communication device an option to use a packet-based data service.

Regarding claim 30, the combination disclose the method of claim 29, but fail to disclose wherein the data communication service is a general packet radio service (GPRS) provided by the global system for mobile communication (GSM).

In a similar field of endeavor, Bright discloses wherein the data communication service is a general packet radio service (GPRS) provided by the global system for mobile communication (GSM) (reads on a GSM and GPRS serving system is connected to a domestic wireless home system) (**col. 7 line40-42**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include where the data service comprises general packet radio service. Motivation for this modification would have been to give the mobile communication device an option to use a packet-based data service.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Elcenko whose telephone number is (571) 272-8066. The examiner can normally be reached on M-F 7:30 AM through 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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ee



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